

ALEX G. TSE (CABN 152348)
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Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 18-00394 JST
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER EXCLUDING TIME
)	
TEMARCUS ROGERS,)	
)	
Defendant.)	
)	

The parties appeared before the Court for status conferences on October 12, 2018, and December 14, 2018. During the December 14, 2018 appearance, the Court set a further status conference for March 1, 2019. During the October 12, 2018, appearance, counsel requested that time be excluded from any time limits applicable under 18 U.S.C. § 3161, for the purpose of effective preparation of counsel, as the government had begun producing and proffered that it would continue to produce discovery to the defendant. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). During the December 14, 2018, appearance, counsel requested that time also be excluded from any time limits applicable under 18 U.S.C. § 3161, again for the purpose of effective preparation of counsel, as counsel for the defendant had not yet completed his review of the discovery provided by the government and also stated that he continued to seek additional

1 records regarding the defendant. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties agree that the ends of
2 justice served by granting such exclusions of time outweigh the best interests of the public and the
3 defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). At both the October 12, 2018 and
4 December 14, 2018 hearings, the Court made findings consistent with that agreement and excluded time.

5 IT IS SO STIPULATED:

6
7 ALEX G. TSE
United States Attorney

8 DATED: December 14, 2018

9 _____/s/_____
10 HELEN L. GILBERT
Assistant United States Attorney

11 DATED: December 14, 2018

12 _____/s/_____
13 ALAN DRESSLER
Attorney for Defendant, Temarcus Rogers

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17 Attestation of Filer

18 In addition to myself, the other signatory to this document is Alan Dressler. I attest that I have his
19 permission to enter a conformed signature on his behalf and to file the document.

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21 DATED: December 14, 2018

22 _____/s/_____
HELEN L. GILBERT
Assistant United States Attorney

1 **~~[PROPOSED]~~ ORDER**

2 As stated at the October 12, 2018 hearing and the December 14, 2018 hearing, for the reasons
3 stated above and at the October 12, 2018 hearing and the December 14, 2018 hearing, the Court finds
4 that exclusion from the time limits applicable under 18 U.S.C. § 3161 the period from October 12, 2018,
5 through March 1, 2019, is warranted and that the ends of justice served by the continuance outweigh the
6 best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The failure
7 to grant the requested exclusion of time would deny counsel for the defendant the reasonable time
8 necessary for effective preparation, taking into account the exercise of due diligence, and would result in
9 a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(B)(iv).

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11 IT IS SO ORDERED.

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13 DATED: December 18, 2018

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15 THE HONORABLE JON S. TIGAR
16 United States District Court Judge
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